

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAMES HOPSON

Plaintiff,

v.

TDCJ-CID, ET AL.,

Defendants.

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§

Civil Action No. 6:09-CV-00506

DEFENDANTS PIERCE AND LOWRY'S MOTION FOR SUMMARY JUDGMENT

EXHIBIT A

Affidavit of Billy Pierce

AFFIDAVIT OF BILLY PIERCE

THE STATE OF TEXAS

§

§

WALKER COUNTY

§

BEFORE ME, the undersigned authority, on this day personally appeared Billy Pierce and after being first duly sworn according to law, upon his oath, deposed and said:

“My name is Billy Pierce. I am over eighteen years of age. I am the Director of Chaplaincy Operations for the Texas Department of Criminal Justice (TDCJ). I am fully competent to make this affidavit.

“Prior to May, 2009, Guillermo Nieto, the Native American (“NA”) contract chaplain from Diboll, Texas, conducted monthly NA services at the Michael unit. Nieto became ill and it became difficult for him to travel. Consequently, the last NA service he conducted at that unit was April 18, 2009. Nieto notified TDCJ Chaplaincy Headquarters, April 27, 2009 that he would not be renewing his contract due to health reasons. He was asked to assist in the recruiting of volunteers and his replacement. At the same time, Chaplaincy Headquarters began looking for alternative service providers. There were no other volunteers or NA contract chaplains available to provide the necessary supervision for either monthly or weekly NA meetings at the Michael unit.

“When it became apparent that Nieto would not be returning, the Chaplaincy Department began a concerted effort to recruit volunteers for NA and other small faith groups. A poster was developed which encourages participating volunteers to help these groups by serving as a volunteer or finding others who will do so. The poster was posted at all units of the prison system at a location where volunteers would see it. All TDCJ chaplains were enlisted in this recruitment effort. At volunteer appreciation events and other volunteer meetings, those in attendance are asked to help by being volunteers for these small faith groups.

“Additionally, considerable efforts have been made to find either an unpaid volunteer or paid contract chaplain to conduct monthly NA services. These efforts are briefly described as follows. Between May, 2009 and March 2011, the following resources were contacted: 1) Sam Lonewolf, a former NA volunteer in the Palestine area; 2) the Alabama Coushatta Tribe; 3) Horsekeeping, LLC; 4) Tigua Indians, Sammy Gutierrez; 5) Professor Lara-Lisa Condello of the Nicola Valley Institute of Technology; 6) Institute of Indigenous Government of Canada; 7) Dr. PeSheWa, NA Church of Strawberry Plains Tennessee; 8) Without Reservation, Kent Frazier; 9) Storyteller radio program, Doug Trapper; 10) Dr. Bob Pierce, United Methodist NA Mission; and 12) Chari Bouse, Northern Towns District Tribal Chief, Cherokee Nation.

“As a result of these efforts, NA offender faith adherents at the Michael unit have been provided the following services. Dr. Bob Pierce provided a service on June 30, 2010. Sam Lonewolf provided services twice a month at the Michael unit from July 2010 to November 2010. Chaplaincy provided a DVD of Dr. Pierce conducting services monthly from December 2010 until February 2011. Contract NA Chaplain Chari Bouse began providing monthly NA services at the Michael unit on March 7, 2011. Should Chaplain Bouse not be available in the future, Chaplaincy will again provide a DVD of Dr. Pierce conducting monthly services.

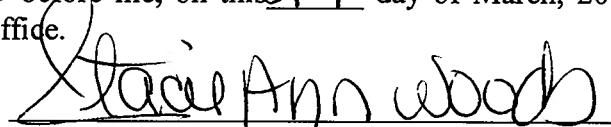
"The agency maintains a list of faith codes of the religious preferences indicated by offenders in the custody of TDCJ. This is not recognition by TDCJ of a particular faith, but is done to make a record of offender faith preferences. There are approximately 204 faith preferences on the faith codes list as of March 9, 2011. Providing weekly or even monthly religious services to all these different faith groups is extremely challenging for numerous reasons, including: 1) the large number of faiths; 2) the number of offenders; 3) security concerns; 4) staffing and space limitations; and 5) the large geographical expanse of the statewide TDCJ prison system.

"Further affiant sayeth not."

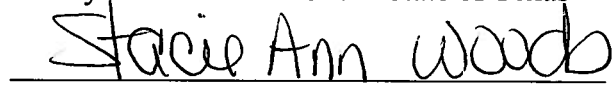


Billy Pierce, Director of Chaplaincy Operations

SWORN TO AND SUBSCRIBED before me, on this 24 day of March, ^{2011 Sw.}~~2010~~ to certify which witness my hand and seal of office.



Notary Public In and For the State of Texas



Printed Name

My commission expires:

